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Attorneys for Interested Parties, Masees Skenderian, Frank Novak, and Daniel Nabavian

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MIRLINDA ELMAZI, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

DSM-FIRMENICH AG, et al.

Defendants.

CIVIL ACTION NO: 23-CV-16127

YVONNE PEYCHAL, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

DSM-FIRMENICH AG, et. al.

Defendants.

CIVIL ACTION NO: 23-CV-16242
Related Action

ANDREA HOGAN and SANDRA
KLUESSENDORF, on behalf of
themselves and all others similarly
situated,

Plaintiff,

v.

DSM-FIRMENICH AG, et. al.

Defendants.

CIVIL ACTION NO: 2:23-cv-18950
Related Action

MASEES SKENDERIAN, FRANK
NOVAK, and DANIEL NABAVIAN,
on behalf of themselves and all others
similarly situated,

Plaintiff,

v.

DSM-FIRMENICH AG, et. al.

Defendants.

CIVIL ACTION NO: 2:23-cv-21251
Related Action

**INTERESTED PARTIES' RESPONSE IN SUPPORT OF
PLAINTIFFS' MOTION TO CONSOLIDATE RELATED CASES
PURSUANT TO FED.R.CIV.P. 42(a) AND APPOINT INTERIM CO- LEAD
COUNSEL PURSUANT TO FED.R.CIV.P. 23(g)**

Plaintiffs Masees Skenderian, Frank Novak, and Daniel Nabavian (together, "Interested Parties") submit this Response in support of Plaintiffs' Motion to Consolidate Related Cases Pursuant to Fed.R.Civ.P. 42(a) and Appoint Interim Co-Lead Counsel Pursuant to Fed.R.Civ.P. 23(g) ("*Elmazi* Plaintiffs' Motion"). *See Elmazi v. DSM-Firmenich AG, et al* Case No. 2:23-cv-16127-WJM-JSA (Dkt. 3).

For the reasons stated in the *Elmazi* Plaintiffs' Motion, the related cases – including this matter – should be consolidated for all purposes, and proposed interim co-lead class counsel should be appointed to represent the interests of the proposed class.

Consolidation: On October 18, 2023, Interested Parties filed a class action complaint alleging they were injured by the same anticompetitive conduct in the same markets by the same defendants named in *Elmazi*. Thus, this Action and *Elmazi* involve common questions of law and fact and should be consolidated under Fed.R.Civ.P. 42(a). See also *Elmazi*, Dkt. 3 at 2-3.

Interim Co-Lead Counsel: *Elmazi* Plaintiffs' Motion seeks the appointment of Kellie Lerner of Robins Kaplan LLP and Kimberly Justice of Freed Kanner London & Millen LLC as Interim Co-Lead Class Counsel. *Id.* at 5-10. Although Counsel for Interested Parties could seek a leadership position in this matter, Counsel will not, because of the high regard in which they hold the Proposed Interim Co-Lead Class Counsel.

The breadth and depth of Proposed Interim Co-Lead Class Counsel speaks for itself. *Id.* In addition, counsel for Interested Parties have worked closely with the Proposed Interim Co-Lead Class Counsel in several matters. Counsel for the Interested Parties have observed how Proposed Interim Co-Lead Class Counsel lead complex antitrust class actions efficiently and effectively, while using their deep knowledge and experience to obtain significant recoveries for those classes.

These same qualifications will allow Proposed Interim Co-Lead Class Counsel to protect the interests of the putative classes in these matters.

CONCLUSION

For the reasons stated above, Interested Parties join in and support consolidation of these matters and the appointment of Kellie Lerner of Robins Kaplan and Kimberly Justice of Freed Kanner as Interim Co-Lead Class Counsel for the proposed End-User Plaintiffs Classes.

DATED: October 18, 2023

BY: /s/ William G. Caldes

William G. Caldes (SBN 00062-1995)

Diana J. Zinser (*Pro Hac Vice*
forthcoming)

Cary Zhang (SBN 37948-2021)

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Attorneys for Interested Parties

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2023, I electronically filed the foregoing INTERESTED PARTIES' RESPONSE IN SUPPORT OF PLAINTIFFS' MOTION TO CONSOLIDATE RELATED CASES PURSUANT TO FED.R.CIV.P. 42(A) AND APPOINT INTERIM CO- LEAD COUNSEL PURSUANT TO FED.R.CIV.P. 23(g) with the Clerk of the Court for the United States District Court of New Jersey using the CM/ECF system and served a copy of same upon all counsel of record via the Court's electronic filing system.

/s/ William G. Caldes
William G. Caldes (SBN 00062-1995)